

Defence and Counterclaim

(specified amount)

If you wish to dispute all or part of the claim and/or make a claim against the claimant (known as a counterclaim) fill in this form.

If you admit part of the claim you must also complete the Admission form OCPN9A.

Before completing this form, please read the notes for guidance attached to the claim form (OCPN1).

Name of court County Court Business Centre Online Court	
Claim No.	
Claimant (including ref.)	
Defendant	

Your response must be received by the court by 4pm on

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or

If you have asked for more time to respond in the **Acknowledgment of service - OCPN9** form.

Your response must be received by the court by 4pm on

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How to complete this form

- Complete **sections 1 and 2**. Tick all the boxes that apply and give any other details asked for.
- Set out your defence in **section 3**. If necessary continue on a separate piece of paper making sure that the claim number is clearly shown on it. In your defence you must state which of the claimant's allegations you deny and why. **If you fail to deny an allegation it may be taken that you admit it.**
- If you dispute only some of the allegations you must:
 - specify which you admit and which you deny; and
 - give your own version of events if different from the claimant's.
- If you wish to make a claim against the claimant (known as a counterclaim) complete **section 4**.
- Complete **section 5** regarding mediation.
- Complete and sign **section 6** before sending this form to the court. Keep a copy of the claim form and this form.

Contact HMCTS

If you need help completing these forms please phone xxxxxxxx

1. How much of the claim do you dispute?

☐ I dispute the full amount claimed as shown on the claim form (OCPN1).

or

☐ I admit the amount of £

If you dispute only part of the claim you must **either**:

- pay the amount admitted to the person named at the address for payment on the claim form (see How to Pay in the notes on the back of, or attached to, the claim form (OCPN1)). Then send this completed defence form (OCPN9B) to the court

or

- complete the admission form (OCPN9A) **and** this defence form (OCPN9B) and send them to the court.

☐ I paid the amount admitted on

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or

☐ I enclose the completed Admission form (OCPN9A) (go to section 2)

2. Do you dispute this claim because you have already paid it?

☐ **No**, go to section 3

☐ **Yes**, I paid claimant

£

on

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(before the claim form was issued)

Give details of where and how you paid it in the box below (then go to section 5)

3. Defence (If you need to continue on a separate sheet put the claim number in the top right hand corner.)

4. If you want to make a claim against the claimant (known as a counterclaim)

- To start your counterclaim, you will have to pay a fee. Court staff can tell you how much you have to pay.
- You may not be able to make a counterclaim where the claimant is the Crown (e.g. a Government Department). Ask at your local county court office for further information if you are not sure if the claimant is the Crown.

If your claim is for a specific sum of money, how much are you claiming? £

I enclose the counterclaim fee of £

My claim is for *(please specify nature of claim)*

What are your reasons for making the counterclaim?

If you need to continue on a separate sheet put the claim number in the top right hand corner.

5. Do you want to mediate using the free HMCTS Small Claims Mediation Service?☐ **No**☐ **Yes**

Parties should make every effort to settle their case. At this stage you should still think about whether you and the other party(ies) can settle your dispute without going to a hearing.

You may seek to settle the claim either by direct discussion or negotiation with the other party or by mediation. If settlement is reached parties may enter into a binding agreement which can be enforced if the terms of the agreement were to be breached.

Mediation is a way of resolving disputes without a court hearing, where the parties are assisted in resolving their dispute with the help of an impartial mediator. If the claim is settled at this stage the parties can avoid further court fees, costs and time involved in preparing and attending a hearing.

You may use any mediation provider. However, HMCTS provide a **free confidential** Small Claims Mediation Service which is available to parties in most small claims cases which are for less than £10,000.

Mediation is usually carried out by telephone in one hour time limited appointments convenient to the parties and is quicker than waiting for a court hearing before a judge. There is no obligation to use the Small Claims Mediation Service nor are you required to settle if you do. If you are unable to reach agreement with the other party at mediation, the claim will proceed to a small claims hearing.

You can get more information about mediation from www.gov.uk

If all parties agree, this case will be referred to the Small Claims Mediation Service. In any event the court may order the service to contact you to explore mediation.

6. Statement of Truth

I believe that the facts stated in this form are true.

Date

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Your date of birth

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Position or office held (if signing on behalf of firm or company)

Address to which documents about this claim should be sent (including reference if appropriate)

Postcode <input type="text"/>	If applicable	
	Phone no.	<input type="text"/>
	DX no.	<input type="text"/>
	Your ref.	<input type="text"/>

E-mail	<input type="text"/>
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